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Federal Communications Commission
Office of the Secretary

October 1, 2015

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EX PARTE OR LATE FILED

Via Electronic Filing

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Communication in MB Docket No. 13-249
(Revitalization of the AM Radio Service)**

Dear Ms. Dortch:

This notice is submitted pursuant to 47 C.F.R. Section 1.1206(b)(1). On September 29, 2015, Sara Morris, Senior Director, Government Affairs, iHeartCommunications, Inc. (together with iHeartMedia + Entertainment, Inc., "iHeart"), spoke with Maria Kirby, Legal Advisor to Chairman Tom Wheeler, regarding the Commission's consideration of potential changes to the nighttime skywave protections currently applied to Class A AM stations.

Consistent with iHeart's prior record submissions in this proceeding, Ms. Morris reiterated iHeart's serious concerns about the harm to actual listeners, including listeners in rural and remote areas, which would result from a possible reduction of Class A skywave protection to Class B status. Based on an initial analysis, iHeart has identified more than a half-million existing, actual listeners of Class A stations, accounting for 13 million listening hours per month, who would lose their existing service. Moreover, the AM stations that would be most impacted by an abrupt diminution of interference protection are the very stations that have served to attract and retain listeners on the AM band, similar to the way an anchor commercial tenant in a retail development serves the critical role of attracting and retaining customers, thus promoting overall community development. Reiterating iHeart's overarching view in this proceeding, Ms. Morris urged that the most fundamental principle that should guide the Commission here is to "do no harm," and cautioned that driving away existing listeners to the AM band, many of whom may rely on Class A AM stations as their only source of nighttime news, sports and other entertainment, runs directly counter to this goal and should be rejected.

Given these concerns, as well as others not yet fully explicated in the record, it is essential that the Commission develop a full and balanced record on this matter. Specifically, iHeart urges the Commission to seek facts and analysis responsive to the following questions:


- To what extent do listeners go to the AM band to receive content from Class A AM stations? Would a reduction in Class A nighttime interference protections result in existing listeners of the AM band leaving the service due to increased interference, thereby further weakening the AM band and the ability of all AM stations to attract listeners? To what extent do Class A AM listeners also listen to non-Class A AM stations once they are tuned in to the AM dial? Will diminution of AM “anchor stations” have an overall chilling effect on the AM band?
- To what extent does increased interference for Class A AM stations impact EAS Primary Entry Point stations for Department of Homeland Security / FEMA alerts during emergencies?
- What would be the effect on non-Class A AM stations that do not increase power on their ability to reach existing listeners, including their ability to provide local programming, public service information and EAS notifications? Are listeners in rural, remote and/or tribal areas disproportionately impacted?
- What are the potential number of actual listeners who would lose access to an AM station signal if changes to nighttime interference protections were adopted?
- Would listeners in rural or remote and/or tribal areas lose access to nighttime news, information and sports that they currently receive?
- Would Class A nighttime interference protection changes undermine the ability of these AM stations to continue to broadcast radio programming content serving the public interest, such as news?
- What would be the impact of nighttime interference protection reductions on Class A AM stations that qualify as small businesses?
- Would the rationale for modifying skywave protections remain valid if the Commission provides new opportunities for AM stations to increase listenership through increased access to FM translators?
- Would power increases in nighttime coverage for Class B & D AM stations increase noise in the band overall? To what extent would such an increase in overall noise/interference negate any benefit from such power increases? To what extent would Class B & D AM stations that do not increase power be impacted by increased interference from those stations

Marlene Dortch, Secretary
October 1, 2015
Page 3

that do increase power on the same channel? Would any of these impacted stations be Small Business Entities? Would this increased interference impact the ability of stations to perform EAS functions?

Respectfully submitted,

REPP LAW FIRM

By: 
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Counsel to iHeartCommunications, Inc.

cc: Maria Kirby (via e-mail)